

Comment

Consultee	Kenneth Hayter (1335133)
Email Address	[REDACTED]
Address	
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	Kenneth Hayter (1335133)
Comment ID	PS675
Response Date	03/03/23 12:43
Consultation Point	Policy SP 13 Sites allocated for residential and mixed-use development in Newbury and Thatcham (View)
Status	Processed
Submission Type	Web
Version	0.3
Bookmark	Hayter, Kenneth

1. Do you consider the Local Plan Review is legally compliant?

Please see the guidance note for an explanation of what 'legally compliant' means

No

Please give reasons for your answer

Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 states:
“(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—
(a) implementing the plan or programme; and
(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

The SA/SEA Environmental Report states:

“The Core Strategy had a focus on Newbury and Thatcham, with two strategic sites allocated in Newbury and smaller sites allocated across the rest of the district. This mix of strategic and smaller sites across the district worked well for the Core Strategy by providing flexibility and natural phasing of developments across the plan period. As a result a similar mix of sites is considered to be appropriate for the LPR with no other alternatives considered.” Regulation 12 requires the identification, description and evaluation of ‘reasonable alternatives’. If an approach worked well in the current plan period, it does not follow that it is the best approach for the following plan period—and it is certainly does not follow that there are

no 'reasonable alternatives'. It is incorrect for the SA/SEA to assert that the approach in the current Local Plan has 'worked well' by providing 'natural phasing of developments across the plan period. This is certainly not the case for the Sandleford Strategic Site Allocation. Policy CS3 of the current Local Plan states:

"Within the area identified at Sandleford Park, a sustainable and high quality mixed use development Issue: The Sustainability Appraisal for Policy SP1 - Spatial Strategy Section/paragraph: 4.19 Policy: SP1 - Spatial Strategy Appendix: Policies Map: Other: SP16, SP17 Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) November 2022

Sustainability Appraisal / Strategic Environmental Assessment; Appendix 5 will be delivered in accordance with the following parameters:

Phased delivery of up to 2,000 dwellings, of which at least 40% will be affordable and with an emphasis on family housing. At least half the housing is planned to be delivered by 2026;" However, as the SA/SEA explains (pages 35-37): "no work has started at the site at Sandleford, with outline planning permission for the eastern part of the site only granted (on appeal) in May 2022." The site has been re-allocated "as a single site for up to 1500 dwellings". "Reducing the number of dwellings on the site allowed for better consideration of the constraints on the site (Ancient woodland, drainage, landscape buffers etc.) and will allow for adequate and appropriate mitigation measures to be put in place."

The SA/SEA states (page 25, below the table):

"Following the decision that the spatial strategy should focus on Thatcham, strategic site options were considered, based on the sites submitted through the February 2020 HELAA."

Therefore, 'reasonable alternatives' that are not around Thatcham were not considered. This decision was also based on the false premise that the town of Thatcham would have sufficient infrastructure to support this development, either at the time of the decision or as a result of the development. The lack of infrastructure in Thatcham is addressed by other representations of the Town Council.

The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) for Policy SP1 cannot be legally compliant, because it explicitly states that it has not complied with the requirement to identify, describe and evaluate reasonable alternatives to the proposed policy. The experience of delays in delivery of Sandleford Park in the current plan period (described in paragraphs 6.44-6.46 of the draft Local Plan, and the reduction in the number of dwellings from 2,000 to 1,500, suggest that the proposed policy for North East Thatcham is not even the best alternative.

2. Do you consider the Local Plan Review is sound?

Please see the guidance notes for an explanation of what 'soundness' means.

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF).

Please tick all that apply:

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. . No

Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF. . No

Please give reasons for your answer

The Sustainability Appraisal should be based on evidence, rather than speculation or supposition. Table 30 compares the SA/SEA a development of 2,500 homes (i.e. the proposal for the Regulation 18 consultation) and for 1,500 homes(i.e. the proposal for the Regulation 19 consultation) for North East Thatcham. It should therefore be based ontheSP17Policy for this development in the Emerging Draft Local Plan for the Regulation 18 consultation and the Draft Local Plan for the Regulation 18 consultation. The table below compares the text of Table 30with the corresponding parts of Policy SP17 in those two consultations.

With the exception of secondary education, the version of Policy SP17for 1,500 homes (i.e. Regulation 19) gives a greater positive impact and confidence in that impact than the version of Policy SP17 for2,500 homes (i.e. Regulation 18). Nothing can be meaningly inferred regarding provision of secondary education:

-The figure of 8FE appears to have been copied from the Thatcham Strategic Growth Study, where it is given very tentatively as a need resulting from other unspecified developments in the Newbury/Thatcham area. -The figure of 2.5FE is below the minimum viable size for a secondary school, so is undeliverable.

Thatcham Town Council has provided detailed representations on many aspects of Policy SP17, including primary healthcare, secondary education and the provision of social infrastructure in the town.

3. Do you consider the Local Plan Review complies with the Duty to Co-operate?

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

No

Please give reasons for your answer

N/A

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change willmake the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A new Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA)needs to be undertaken, which considersall'reasonable alternatives'to the decisions relating to strategic sites and proposed approach of Policy SP1.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)? No

6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

Please tick all that apply

The submission of the Local Plan Review for Independent Examination . Yes

The publication of the report of the Inspector appointed to carry out the examination . Yes

The adoption of the Local Plan Review . Yes